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10 UNITED STATES DISTRICT COURT  
11  
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA, ) CR No. 09-1004-MMM  
14 Plaintiff, ) PLEA AGREEMENT FOR DEFENDANT  
15 v. ) PAUL CHALLENGER  
16 PAUL CHALLENGER, )  
aka "Hilljoe," )  
17 Defendant. )  
18

19 1. This constitutes the plea agreement between defendant  
20 Paul Challenger, also known as "Hilljoe" ("defendant"), and the  
21 United States Attorney's Office for the Central District of  
22 California ("the USAO") in the above-captioned case. This  
23 agreement is limited to the USAO and cannot bind any other  
24 federal, state, or local prosecuting, administrative, or  
25 regulatory authorities.

26 PLEA

27 2. Defendant agrees to plead guilty to count two of the  
28 indictment in United States v. Paul Challenger, et al., CR No.  
09-1004-MMM.

NATURE OF THE OFFENSE

3. In order for defendant to be guilty of the crime charged in count two of the indictment, which charges a violation of Title 18, United States Code, Section 2252A(a), (b)(1), (b)(2) (conspiracy to transport, receive, distribute, and possess child pornography), the following must be true:

a. There was an agreement between at least two persons to commit at least one crime charged in the indictment, in this case, an agreement to transport, receive, distribute, and possess child pornography;

b. Defendant became a member of the conspiracy knowing of at least one of its objects and intending to accomplish it; and

c. One of the members of the conspiracy performed at least one overt act for the purpose of carrying out the conspiracy.

The crimes that defendant agrees that he conspired to commit, as charged in count two of the indictment, are (1) the transportation of child pornography; (2) the receipt and distribution of child pornography; and (3) the possession of child pornography.

In order for a defendant to be guilty of transporting child pornography, the following must be true:

a. The defendant knowingly transported visual depictions of minors engaged in sexually explicit conduct;

b. Each visual depiction showed minors engaged in sexually explicit conduct;

c. The production of such visual depictions involved

1 the use of a minor engaged in sexually explicit conduct;

2 d. Defendant knew that such visual depictions showed  
3 minors engaged in sexually explicit conduct; and

4 e. Defendant knew that production of such visual  
5 depictions involved use of a minor engaged in sexually explicit  
6 conduct.

7 In order for a defendant to be guilty of the receipt or  
8 distribution of child pornography, the following must be true:

9 a. Defendant knowingly received or distributed  
10 matters which the defendant knew contained visual depictions of  
11 minors engaged in sexually explicit conduct;

12 b. Defendant knew each visual depiction contained in  
13 the matters showed minors engaged in sexually explicit conduct;

14 c. Defendant knew that production of such visual  
15 depictions involved use of a minor in sexually explicit conduct;  
16 and

17 d. Each visual depiction had been mailed, shipped,  
18 or transported in interstate or foreign commerce by computer.

19 Lastly, in order for a defendant to be guilty of possessing  
20 child pornography, the following must be true:

21 a. Defendant knowingly possessed matters which the  
22 defendant knew contained visual depictions of minors engaged in  
23 sexually explicit conduct;

24 b. Defendant knew each visual depiction contained in  
25 the matters showed minors engaged in sexually explicit conduct;

26 c. Defendant knew that production of such visual  
27 depictions involved use of a minor in sexually explicit conduct;  
28 and

1           d. Each visual depiction had been either (a)  
2 mailed, shipped, or transported in interstate or foreign commerce  
3 by computer, or (b) produced using material that had been mailed,  
4 shipped, or transported in interstate or foreign commerce by  
5 computer.

6                                   PENALTIES

7           4. The statutory maximum sentence that the Court can  
8 impose in this instance for a violation of Title 18, United  
9 States Code, Section 2252A(a), (b)(1), (b)(2) involving a  
10 conspiracy to transport, receive, distribute, or possess child  
11 pornography is: 20 years' imprisonment; a lifetime period of  
12 supervised release; a fine of \$250,000 or twice the gross gain or  
13 gross loss resulting from the offense, whichever is greatest; and  
14 a mandatory special assessment of \$100.

15          5. The statutory mandatory minimum sentence that the  
16 Court must impose for the violation of Title 18, United States  
17 Code, Section 2252A(a), (b)(1), (b)(2) to which defendant is  
18 pleading is five years' imprisonment and a five year term of  
19 supervised release.

20          6. Supervised release is a period of time following  
21 imprisonment during which defendant will be subject to various  
22 restrictions and requirements. Defendant understands that if  
23 defendant violates one or more of the conditions of any  
24 supervised release imposed, defendant may be returned to prison  
25 for all or part of the term of supervised release, which could  
26 result in defendant serving a total term of imprisonment greater  
27 than the statutory maximum stated above.

28          7. Defendant also understands that, by pleading guilty,

1 defendant may be giving up valuable government benefits and  
2 valuable civic rights, such as the right to vote, the right to  
3 possess a firearm, the right to hold office, and the right to  
4 serve on a jury.

5 8. Defendant further understands that the conviction in  
6 this case may subject defendant to various collateral  
7 consequences, including but not limited to, deportation,  
8 revocation of probation, parole, or supervised release in another  
9 case, and suspension or revocation of a professional license.

10 Defendant understands that unanticipated collateral consequences  
11 will not serve as grounds to withdraw defendant's guilty plea.

12 9. Defendant further understands that as a condition of  
13 supervised release, under 18 U.S.C. § 3583(d) defendant will be  
14 required to comply with the requirements of the Sex Offender  
15 Registration and Notification Act. Defendant understands that if  
16 he resides in California, he will be subject to the registration  
17 requirements of California Penal Code Section 290.

18 FACTUAL BASIS

19 10. Defendant and the USAO agree and stipulate to the  
20 statement of facts attached to this agreement at Exhibit A. This  
21 statement of facts includes facts sufficient to support the plea  
22 of guilty to the charge described in this agreement and to  
23 establish the sentencing guideline factors set forth in paragraph  
24 14 below. It is not meant to be a complete recitation of all  
25 facts relevant to the underlying criminal conduct or all facts  
26 known to defendant that relate to that conduct.

27 WAIVER OF CONSTITUTIONAL RIGHTS

28 11. By pleading guilty, defendant gives up the following

1 rights:

2 a) The right to persist in a plea of not guilty.

3 b) The right to a speedy and public trial by jury.

4 c) The right to the assistance of legal counsel at  
5 trial, including the right to have the Court appoint counsel for  
6 defendant for the purpose of representation at trial. (In this  
7 regard, defendant understands that, despite his or her plea of  
8 guilty, he or she retains the right to be represented by counsel  
9 - and, if necessary, to have the court appoint counsel if  
10 defendant cannot afford counsel - at every other stage of the  
11 proceedings.)

12 d) The right to be presumed innocent and to have the  
13 burden of proof placed on the government to prove defendant  
14 guilty beyond a reasonable doubt.

15 e) The right to confront and cross-examine witnesses  
16 against defendant.

17 f) The right, if defendant wished, to testify on  
18 defendant's own behalf and present evidence in opposition to the  
19 charges, including the right to call witnesses and to subpoena  
20 those witnesses to testify.

21 g) The right not to be compelled to testify, and, if  
22 defendant chose not to testify or present evidence, to have that  
23 choice not be used against defendant.

24 By pleading guilty, defendant also gives up any and all  
25 rights to pursue any affirmative defenses, Fourth Amendment or  
26 Fifth Amendment claims, and other pretrial motions that have been  
27 filed or could be filed.

WAIVER OF DNA TESTING

12. Defendant has been advised that the government has in its possession items of physical evidence that could be subjected to DNA testing. Defendant understands that the government does not intend to conduct DNA testing of any of these items. Defendant understands that, before entering guilty pleas pursuant to this agreement, defendant could request DNA testing of evidence in this case. Defendant further understands that, with respect to the offenses to which defendant is pleading guilty pursuant to this agreement, defendant would have the right to request DNA testing of evidence after conviction under the conditions specified in 18 U.S.C. § 3600. Knowing and understanding defendant's right to request DNA testing, defendant knowingly and voluntarily gives up that right with respect to any items of evidence there may be in this case that might be amenable to DNA testing. Defendant understands and acknowledges that by giving up this right, defendant is giving up any ability to request DNA testing of evidence in this case in the current proceeding, in any proceeding after conviction under 18 U.S.C. § 3600, and in any other proceeding of any type. Defendant further understands and acknowledges that by giving up this right, defendant will never have another opportunity to have the evidence in this case submitted for DNA testing, or to employ the results of DNA testing to support a claim that defendant is innocent of the offenses to which defendant is pleading guilty.

SENTENCING FACTORS

13. Defendant understands that the Court is required to consider the United States Sentencing Guidelines ("U.S.S.G." or

"Sentencing Guidelines") among other factors in determining defendant's sentence. Defendant understands that the Sentencing Guidelines are only advisory, and that after considering the Sentencing Guidelines, the Court may be free to exercise its discretion to impose any reasonable sentence up to the maximum set by statute for the crimes of conviction.

14. Defendant and the USAO agree and stipulate to the following applicable sentencing guideline factors:

Base Offense Level	:	<u>22</u>	[U.S.S.G. § 2G2.2(a)(2)]
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Adjustments

Offense involved material that depicted minors under the age of 12	:	<u>+2</u>	[U.S.S.G. § 2G2.2(b)(2)]
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Offense involved material that portrays sadistic or masochistic conduct	:	<u>+4</u>	[U.S.S.G. § 2G2.2(b)(4)]
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Offense involved the use of a computer	:	<u>+2</u>	[U.S.S.G. § 2G2.2(b)(6)]
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Defendant and the USAO reserve the right to argue that additional specific offense characteristics, adjustments and departures are appropriate. Defendant understands at the time of sentencing that the government will argue that the enhancements set forth U.S.S.G. §§ 2G2.2(b)(3)(B) and 2G2.2(b)(7)(D) apply to this case. Defendant also understands that defendant's base offense level could be increased if defendant is a career offender under U.S.S.G. §§ 4B1.1 and 4B1.2. In the event that defendant's offense level is so altered, the parties are not bound by the base offense level stipulated to above.



1       15. There is no agreement as to defendant's criminal  
2 history or criminal history category.

3       16. The stipulations in this agreement do not bind either  
4 the United States Probation Office or the Court. Both defendant  
5 and the USAO are free to: (a) supplement the facts by supplying  
6 relevant information to the United States Probation Office and  
7 the Court, (b) correct any and all factual misstatements relating  
8 to the calculation of the sentence, and (c) argue on appeal and  
9 collateral review that the Court's sentencing guidelines  
10 calculations are not error, although each party agrees to  
11 maintain its view that the calculations in paragraph 14 are  
12 consistent with the facts of this case.

13                   DEFENDANT'S OBLIGATIONS

14       17. Defendant agrees that he will:

15           a) Plead guilty as set forth in this agreement.

16           b) Not knowingly and willfully fail to abide by all  
17 sentencing stipulations contained in this agreement.

18           c) Not knowingly and willfully fail to: (I) appear as  
19 ordered for all court appearances, (ii) surrender as ordered for  
20 service of sentence, (iii) obey all conditions of any bond, and  
21 (iv) obey any other ongoing court order in this matter.

22           d) Not commit any crime; however, offenses which  
23 would be excluded for sentencing purposes under U.S.S.G.

24 § 4A1.2(c) are not within the scope of this agreement.

25           e) Not knowingly and willfully fail to be truthful at  
26 all times with Pretrial Services, the U.S. Probation Office, and  
27 the Court.

28           f) Pay the applicable special assessments at or

1 before the time of sentencing unless defendant lacks the ability  
2 to pay.

3 THE USAO'S OBLIGATIONS

4 18. If defendant complies fully with all defendant's  
5 obligations under this agreement, the USAO agrees:

6 a) To abide by all sentencing stipulations contained  
7 in this agreement.

8 b) At the time of sentencing, provided that defendant  
9 demonstrates an acceptance of responsibility for the offenses up  
10 to and including the time of sentencing, to recommend a two-level  
11 reduction in the applicable sentencing guideline offense level,  
12 pursuant to U.S.S.G. § 3E1.1, and to recommend and, if necessary,  
13 move for an additional one-level reduction if available under  
14 that section.

15 c) At the time of sentencing to move to dismiss the  
16 remaining count of the indictment as against defendant.  
17 Defendant agrees, however, that at the time of sentencing the  
18 Court may consider the dismissed count in determining the  
19 applicable Sentencing Guidelines range, where the sentence should  
20 fall within that range, and the propriety and extent of any  
21 departure from that range.

22 d) Notwithstanding the sentencing range yielded  
23 by an application of the United States Sentencing Guidelines to  
24 this case, the USAO agrees that it will recommend a sentence in  
25 this case of no longer than 151 months.

26 BREACH OF AGREEMENT

27 19. If defendant, at any time after the execution of this  
28 agreement, knowingly violates or fails to perform any of

1 defendant's agreements or obligations under this agreement ("a  
2 breach"), the USAO may declare this agreement breached. If the  
3 USAO declares this agreement breached at any time following its  
4 execution, and the Court finds such a breach to have occurred,  
5 then: (a) if defendant has previously entered a guilty plea,  
6 defendant will not be able to withdraw the guilty plea, and (b)  
7 the USAO will be relieved of all of its obligations under this  
8 agreement.

9       20. Following the Court's finding of a knowing and willful  
10 breach of this agreement by defendant, should the USAO elect to  
11 pursue any charge that was either dismissed or not filed as a  
12 result of this agreement, then:

13           a) Defendant agrees that any applicable statute of  
14 limitations is tolled between the date of defendant's signing of  
15 this agreement and the commencement of any such prosecution or  
16 action.

17           b) Defendant gives up all defenses based on the  
18 statute of limitations, any claim of pre-indictment delay, or any  
19 speedy trial claim with respect to any such prosecution, except  
20 to the extent that such defenses existed as of the date of  
21 defendant's signing this agreement.

22           c) Defendant agrees that: (i) any statements made by  
23 defendant, under oath, at the guilty plea hearing (if such a  
24 hearing occurred prior to the breach); (ii) the stipulated  
25 factual basis statement in this agreement; and (iii) any evidence  
26 derived from such statements, are admissible against defendant in  
27 any such prosecution of defendant, and defendant shall assert no  
28 claim under the United States Constitution, any statute, Rule 410

1 of the Federal Rules of Evidence, Rule 11(f) of the Federal Rules  
2 of Criminal Procedure, or any other federal rule, that the  
3 statements or any evidence derived from any statements should be  
4 suppressed or are inadmissible.

5 LIMITED MUTUAL WAIVER OF APPEAL

6 21. Defendant gives up the right to appeal any sentence  
7 imposed by the Court, and the manner in which the sentence is  
8 determined, provided that (a) the sentence is within the  
9 statutory maximum specified above and is constitutional, (b) the  
10 Court in determining the applicable guideline range for count two  
11 does not depart upward in offense level or criminal history  
12 category and determines that the total offense level is 37 or  
13 below, and (c) the Court imposes a sentence within or below the  
14 range corresponding to the determined total offense level and  
15 criminal history category. Defendant also gives up any right to  
16 bring a post-conviction collateral attack on the conviction or  
17 sentence, except a post-conviction collateral attack based on a  
18 claim of ineffective assistance of counsel, a claim of newly  
19 discovered evidence, or an explicitly retroactive change in the  
20 applicable Sentencing Guidelines, sentencing statutes, or  
21 statutes of conviction. Notwithstanding the foregoing, defendant  
22 retains the ability to appeal the court's determination of  
23 defendant's criminal history category. In addition,  
24 notwithstanding the foregoing, defendant retains any ability  
25 defendant has to appeal the conditions of supervised release  
26 imposed by the Court, with the exception of the following:

27 a. The imposition of a term of supervised release of  
28 up to 10 years with the conditions set forth below;

1           b.     Conditions set forth in General Orders 318, 01-05,  
2 and/or 05-02 of this Court;

3           c.     The defendant shall use only those computers and  
4 computer-related devices, screen user names, passwords, email  
5 accounts, and internet service providers (ISPs), as approved by  
6 the Probation Officer. Computers and computer-related devices  
7 include, but are not limited to, personal computers, personal  
8 data assistants (PDAs), internet appliances, electronic games,  
9 and cellular telephones, as well as their peripheral equipment,  
10 that can access, or can be modified to access, the internet,  
11 electronic bulletin boards, and other computers, or similar  
12 media;

13           d.     All computers, computer-related devices, and their  
14 peripheral equipment, used by the defendant, shall be subject to  
15 search and seizure and the installation of search and/or  
16 monitoring software and/or hardware, including unannounced  
17 seizure for the purpose of search. The defendant shall not add,  
18 remove, upgrade, update, reinstall, repair, or otherwise modify  
19 the hardware or software on the computers, computer-related  
20 devices, or their peripheral equipment, nor shall he/she hide or  
21 encrypt files or data without prior approval of the Probation  
22 Officer. Further, the defendant shall provide all billing  
23 records, including telephone, cable, internet, satellite, and the  
24 like, as requested by the Probation Officer;

25           e.     The defendant shall register with the state sex  
26 offender registration agency in any state where the defendant  
27 resides, is employed, carries on a vocation, or is a student, as  
28 directed by the Probation Officer. The defendant shall provide

1 proof of registration to the Probation Officer within 72 hours of  
2 release from imprisonment/placement on probation;

3           f. The defendant shall participate in a psychological  
4 counseling and/or psychiatric treatment, which may include  
5 inpatient treatment, as approved and directed by the Probation  
6 Officer and the Court. The defendant shall abide by all rules,  
7 requirements, and conditions of such program. The Probation  
8 Officer shall disclose the presentence report and/or any previous  
9 mental health evaluations or reports to the treatment provider;

10           g. The defendant shall not possess any materials,  
11 including pictures, photographs, books, writings, drawings,  
12 videos, or video games, depicting and/or describing "sexually  
13 explicit conduct," as defined at 18 U.S.C. § 2256(2). The  
14 condition prohibiting defendant from possessing materials  
15 describing "sexually explicit conduct" does not apply to  
16 materials necessary to and used for legal proceedings in this or  
17 another criminal prosecution against defendant, including a  
18 collateral attack or appeal, or to materials prepared or used for  
19 the purposes of defendant's court-mandated sex offender  
20 treatment;

21           h. The defendant shall not possess any materials,  
22 including pictures, photographs, books, writings, drawings,  
23 videos, or video games, depicting and/or describing child  
24 pornography, as defined in 18 U.S.C. § 2256(8). The condition  
25 prohibiting defendant from possessing materials describing child  
26 pornography does not apply to materials necessary to and used for  
27 legal proceedings in this or another criminal prosecution against  
28 defendant, including a collateral attack or appeal, or to

1 materials prepared or used for the purposes of defendant's  
2 court-mandated sex offender treatment;

3 i. The defendant shall not own, use or have access to  
4 the services of any commercial mail-receiving agency, nor shall  
5 he/she open or maintain a post office box, without the prior  
6 approval of the Probation Officer;

7 j. The defendant shall not frequent, or loiter,  
8 within 100 feet of school yards, parks, public swimming pools,  
9 playgrounds, youth centers, video arcade facilities, or other  
10 places primarily used by persons under the age of 18;

11 k. The defendant shall not associate or have verbal,  
12 written, telephonic, or electronic communication with any person  
13 under the age of 18, except: (a) in the presence of the parent or  
14 legal guardian of said minor; and (b) on the condition that the  
15 defendant notify said parent or legal guardian of his/her  
16 conviction in the instant offense/prior offense. This provision  
17 does not encompass persons under the age of 18, such as waiters,  
18 cashiers, ticket vendors, etc., with whom the defendant must deal  
19 with in order to obtain ordinary and usual commercial services;

20 l. The defendant shall not affiliate with, own,  
21 control, volunteer and/or be employed in any capacity by a  
22 business and/or organization that causes him/her to regularly  
23 contact persons under the age of 18 without the permission of the  
24 United States Probation Office;

25 m. The defendant shall not affiliate with, own,  
26 control, and/or be employed in any capacity by a business whose  
27 principal product is the production and/or selling of materials  
28 depicting and/or describing "sexually explicit conduct," as

1 defined at 18 U.S.C. § 2256(2);

2 n. The defendant's employment shall be approved by  
3 the Probation Officer, and any change in employment must be pre-  
4 approved by the Probation Officer. The defendant shall submit  
5 the name and address of the proposed employer to the Probation  
6 Officer at least 10 days prior to any scheduled change; and

7 o. The defendant shall not reside within direct view  
8 of school yards, parks, public swimming pools, playgrounds, youth  
9 centers, video arcade facilities, or other places primarily used  
10 by persons under the age of 18. The defendant's residence shall  
11 be approved by the Probation Officer, and any change in residence  
12 must be pre-approved by the Probation Officer. The defendant  
13 shall submit the address of the proposed residence to the  
14 Probation Officer at least 10 days prior to any scheduled move.

15 22. The USAO gives up its right to appeal the sentence,  
16 provided that (a) the sentence is within the statutory minimum  
17 and maximum specified above and is constitutional, and (b) the  
18 Court imposes a sentence within or above the range corresponding  
19 to a total offense level of 37, and the applicable criminal  
20 history category as determined by the Court.

21 RESULT OF VACATUR, REVERSAL OR SET-ASIDE

22 23. Defendant agrees that if any count of conviction is  
23 vacated, reversed, or set aside, the USAO may: (a) ask the Court  
24 to resentence defendant on any remaining count of conviction,  
25 with both the USAO and defendant being released from any  
26 stipulations regarding sentencing contained in this agreement,  
27 (b) ask the Court to void the entire plea agreement and vacate  
28 defendant's guilty plea on any remaining count of conviction,



1 with both the USAO and defendant being released from all of their  
2 obligations under this agreement, or (c) leave defendant's  
3 remaining conviction, sentence, and plea agreement intact.  
4 Defendant agrees that the choice among these three options rests  
5 in the exclusive discretion of the USAO.

6 COURT NOT A PARTY

7 24. The Court is not a party to this agreement and need not  
8 accept any of the USAO's sentencing recommendations or the  
9 parties' stipulations. Even if the Court ignores any sentencing  
10 recommendation, finds facts or reaches conclusions different from  
11 any stipulation, and/or imposes any sentence up to the maximum  
12 established by statute, defendant cannot, for that reason,  
13 withdraw defendant's guilty plea, and defendant will remain bound  
14 to fulfill all defendant's obligations under this agreement. No  
15 one -- not the prosecutor, defendant's attorney, or the Court --  
16 can make a binding prediction or promise regarding the sentence  
17 defendant will receive, except that it will be within the  
18 statutory maximum.

19 NO ADDITIONAL AGREEMENTS

20 25. Except as set forth herein, there are no promises,  
21 understandings or agreements between the USAO and defendant or  
22 defendant's counsel. Nor may any additional agreement,  
23 understanding or condition be entered into unless in a writing  
24 signed by all parties or on the record in court.

25  
26  
27  
28

PLEA AGREEMENT PART OF THE GUILTY PLEA HEARING

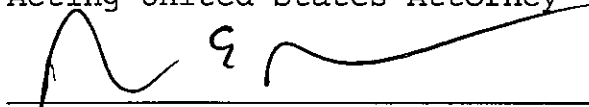
26. The parties agree and stipulate that this Agreement will be considered part of the record of defendant's guilty plea hearing as if the entire Agreement had been read into the record of the proceeding.

This agreement is effective upon signature by defendant and an Assistant United States Attorney, and it will automatically expire if not executed by defendant prior to 5:00 p.m. on April 15, 2010.

AGREED AND ACCEPTED

UNITED STATES ATTORNEY'S OFFICE  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

ANDRÉ BIROTTE JR.  
Acting United States Attorney

  
ROBERT E. DUGDALE  
Assistant United States Attorney  
Chief, Violent and Organized  
Crime Section

4/15/10  
Date

I have read this agreement and carefully discussed every part of it with my attorney. I understand the terms of this agreement, and I voluntarily agree to those terms. My attorney has advised me of my rights, of possible defenses, of the Sentencing Guideline provisions, and of the consequences of entering into this agreement. No promises or inducements have been made to me other than those contained in this agreement. No

1 one has threatened or forced me in any way to enter into this  
2 agreement. Finally, I am satisfied with the representation of my  
3 attorney in this matter.

4  
5 Paul Challenger  
6 PAUL CHALLENGER  
Defendant

04/14/10  
Date

7  
8 I am Paul Challenger's attorney. I have carefully discussed  
9 every part of this agreement with my client. Further, I have  
10 fully advised my client of his rights, of possible defenses, of  
11 the Sentencing Guidelines' provisions, and of the consequences of  
12 entering into this agreement. To my knowledge, my client's  
13 decision to enter into this agreement is an informed and  
14 voluntary one.

15  
16 Carlos Suarez  
17 CARLOS SUAREZ  
Counsel for Defendant  
Paul Challenger

4-14-10  
Date

EXHIBIT A

"Quest4More" was an Internet-based, members-only message board, hosted by IBPFree.com, a message board hosting site, located in Los Angeles, California, that allowed Internet users to set up free message boards using its site. The main purpose of the Quest4More message board was to provide a forum for its members to transport, receive, distribute, and possess child pornography and to discuss topics related to the sexual exploitation of children. The Quest4More message board was divided into a number of different fora that included posts of thousands of images and videos of child pornography separated into different categories, including a forum dedicated to child pornography featuring infants. Members of the Quest4More message board - who were "vetted" to ensure that they did not pose a risk to the board or its members - were allowed to make "posts" to the Quest4More message board, which included, among other things, the postings of child pornography images and videos, postings of links to child pornography images and videos, postings that commented on child pornography posted by other members, and "private" posts between one member of the bulletin board to another.

Defendant Challender became a member of the Quest4More bulletin board on or about June 18, 2007, and, beginning on that date, Challender conspired with the other members of the Quest4More bulletin board, including the members of the bulletin board utilizing the screen names "Yahl," "Mayan2012," "jaslovesfootball," "Yukon\_jock," and "DanDlion," among others, to transport, distribute, receive, and possess child pornography through use of the bulletin board. In this regard, defendant Challender, using the screen name "hilljoe," entered more than 280 public posts to other Quest4More message board users, including posts in which he (1) transported and distributed child pornography over the bulletin board to the other members of the Quest4More message board; and (2) commented on child pornography that he had received over the Quest4More bulletin board and that had been posted by other Quest4More members.

By means of example only, on or about August 19, 2008, Quest4More member, defendant William Ho, utilizing the screen name "Mayan2012," posted a message on the Quest4More bulletin board titled "Here's some yummy ones!" Under this title, defendant Ho posted images of toddlers and prepubescent girls bound and gagged; an image of a toddler, with her legs spread, who was pictured with a man inserting his finger into her naked vagina; and an image of an infant with an adult male penis near her face and semen near her mouth. Two days later, defendant Challender, confirming that he had received and possessed these images of child pornography posted by defendant Ho, posted a message in response to this posting stating, "Great, never too young to be raped."

In this vein, defendant Challender posted child pornography images and videos on the Quest4More message board during the time period he was a member and, in return, Challender received and

1 possessed child pornography images and videos that were posted by  
2 other members of this message board. Defendant Challenger was  
3 aware that these child pornography images and videos that he  
4 conspired to transport, distribute, receive, and possess with the  
5 other members of the Quest4More bulletin board included images  
6 and videos of actual children. Finally, the child pornography  
7 images and videos that defendant Challenger and the other  
8 Quest4More members transported, distributed, received, and  
9 possessed as a result of their participation on the message board  
10 traveled in interstate and foreign commerce, as the members of  
11 the Quest4More message board who transported, distributed,  
12 received, and possessed the child pornography posted on the  
13 message board were scattered throughout a number of different  
14 states and countries.  
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